



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Elko District Office
3900 East Idaho Street
Elko, Nevada 89801
http://www.blm.gov/nv/st/en/fo/elko_field_office.html



In Reply Refer To:

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NVN-92342

NVE0200-NOI-2013-001

DOI-BLM-NV-E020-2013-0008-EA.

DECISION RECORD

Mr. Robert Veldman

Noble Energy

1625 Broadway

Denver Colorado, 80202

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Notice of Intent

Oil and Gas Geophysical Exploration Operations

It is my decision to authorize Nobel Energy's Huntington Valley 3D Seismic Project Proposed Action with attached mitigation measures incorporated as stipulation as described in environmental assessment DOI-BLM-NV-E020-2013-0008-EA.

Stipulations and Conditions of Approval

- In order to reduce fugitive dust, posted speed limits will be obeyed and Noble will instruct personnel not to exceed 30 miles per hour on all dirt roads with no posted speed limits.
- Noble will use water trucks, where necessary, to control fugitive dust.
- All Historic Properties, sites not evaluated for nomination to the NRHP, and components of linear Historic Properties which contribute to the linear sites' eligibility status will be avoided by a distance of 30 meters (~100 feet) by all activities associated with the Project, except where otherwise indicated. Historic Properties containing standing structures will be avoided by a distance of ~100 meters (300 feet).
- No vehicle traffic will be allowed on the intact portion of the Hastings Cutoff segment east of Huntington Creek.
- Project personnel may drive on existing roads through historic property buffers ONLY if no improvements (i.e., road grading, blading, ditching, building or construction) are made within the 30-meter (100 ft.) buffer of the historic property, and there is no deviation from the road within 30 meters (100 ft.) of that historic property.

- Noble shall not knowingly disturb, alter, injure, or destroy any archaeological site, structure, building, or object on public or private lands. If Noble discovers any previously unidentified cultural resource that might be altered or destroyed by the Project, Noble shall immediately stop all activities within 30 meters (~100 feet) of the discovery and the discovery shall be left intact and reported (775-753-0200) to the BLM Tuscarora Field Office (BLM Authorized Officer) and protect the site until notified to proceed by the BLM Authorized Officer.
- Pursuant to 43 CFR 10.4(g), Noble shall notify the BLM Authorized Officer, by telephone (775-753-0200), with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2). If activities or other project personnel discover what might be human remains, funerary objects, or items of cultural patrimony on federal land, then construction will cease in the area of the discovery and the BLM Authorized Officer will be notified. Any discovered Native American human remains, funerary objects, or items of cultural patrimony found on federal land will be handled in accordance with the Native American Graves Protection and Repatriation Act. Non-Native American human remains will be handled in accordance with Nevada law. Activities will not resume in the area of the discovery until authorized by the BLM Authorized Officer. If human remains and associated artifacts are discovered on private land during project activities, all activities will cease within the area of the discovery and the county coroner or sheriff will be notified. Treatment of any discovered human remains and associated artifacts found on private land will be handled in accordance with the provisions of Nevada state law. Pursuant to 43 CFR 10.4(c) and (d), Noble shall immediately stop all activities in the vicinity of the discovery and protect it until notified to proceed by the BLM Authorized Officer.
- Appropriate in-field personnel will be made familiar with the *Unanticipated Discovery Plan for Cultural Resources and Native American Traditional Values*.
- All vehicles, including all-terrain vehicles, will carry fire extinguishers.
- If a fire is caused by the Project, Noble will be responsible for fire suppression costs.
- Operations will be curtailed when wet or saturated ground conditions will result in soil surface rutting of 3 inches or greater. Operations will only be conducted during frozen or dry ground conditions.
- Vehicles will not drive in steep areas (greater than 30 percent slope) or across incised banks of 12 inches tall or more.
- Refueling will occur at pre-disturbed areas (i.e., existing roads) to prevent additional disturbance to vegetation and soils which could lead to effects to water resources. If refueling cannot occur at pre-disturbed locations, prior written BLM-approval will be required.
- Noble will conduct a mandatory weed orientation prior to project initiation. The orientation will include description of vehicle wash areas, vehicle washing procedures, identification of common areas of the vehicles where weed seeds can be trapped (tire tread, wheel wells, fender skirts, frame rails, air filters etc.). Crew leaders will carry a copy of Nevada Noxious Weeds Field Guide (available at the BLM Elko front desk) to be used to identify noxious weeds in the field.
- Noble will avoid all noxious weed infestations within the project area to the greatest extent possible.

- In consultation with the BLM, Noble will identify sites where equipment can be cleaned; seeds and plant parts from project equipment will be collected (on a plastic pad) and disposed of in a sanitary landfill. All equipment and vehicles will undergo an initial wash before their arrival on-site.
- Workers will inspect, remove, and properly dispose of weed seed and plant parts found on their clothing and equipment prior to leaving the project area.
- Where the Project creates bare ground, vegetation will be reestablished using a BLM approved seed mix to prevent conditions to establish weeds; certified weed-free seed will be used.
- If gravel is necessary for the Project, weed-free gravel will be used.
- Noble will consult with the BLM Rangeland Specialist and allotment permittees to communicate project timing and locations of activities.
- Noble will close gates used for access immediately after passing through them.
- Fences and/or gates that are replaced will be in accordance with BLM stipulations.
- If BLM determines that animal unit months have been affected by vegetation loss, BLM will require reseeding of the disturbed areas.
- Noble will begin no earlier than September 1 in order to avoid disturbance to nests and any remaining juveniles.
- Noble will remove trash from the project area for disposal at a landfill or recycling center.
- Receiver lines will not be laid out using pickup trucks in the vicinity of active pygmy rabbit burrows.
- Vibroseis trucks will maintain a buffer of 100 feet from active pygmy rabbit burrows.
- Pygmy rabbit colonies will be remapped two weeks prior to trucks entering the project area. If a variance is needed for this stipulation, Noble will submit the request in writing to the Manager of the Tuscarora Field Office BLM.
- BLM-approved biological and cultural monitors will be required to walk in front of the vibroseis vehicles in designated pygmy rabbit colony areas to redirect vehicle traffic to maintain the 100-foot buffer from the pygmy rabbit sites and to remain within the culturally surveyed areas. In more densely populated pygmy rabbit areas (e.g., Section 3, T. 30 N., R. 56 E. and Section 12, T. 29 N., R. 55. E.), the BLM will also require a biological monitor to precede the vibroseis trucks to ensure that an adequate (100 ft.) buffer is maintained.
- Should increased vehicle use occur along source lines, the BLM will require reseeding with a BLM approved seed mix and/or signage for reclamation areas.
- No aircraft will land in the Red Springs or Cedar Ridge WSAs. Vehicle travel will be confined to existing roads within the Red Springs or Cedar Ridge WSAs. Noble will use all appropriate means to inform project personnel of the WSA boundaries and the limitations.
- When seismic operations are occurring within 0.25 mile of the Red Springs or Cedar Ridge WSAs, Noble will provide an independent project monitor to inform project personnel of WSA boundaries and ensure that effects do not occur. If infringement upon the WSAs occurs, the monitor will immediately contact the BLM project lead with a description of the occurrence and report to the BLM Authorized Officer concerning the status and activities of the project and compliance with these measures.

- Seismic activities will be restricted within LWC NV-EK-02-558 to existing roads/two-tracks.
- Depending on weather conditions, disturbance may be restricted between November 15 and March 16 for Pronghorn crucial winter range.

This decision is contingent on meeting all stipulations and monitoring requirements as described for the proposed action in the environmental assessment.

Monitoring

As described in the conditions of approval section of this decision, Noble Energy is to hire BLM approved archaeology and biological monitor to maintain the required buffer zones around the special status species and cultural sites.

When seismic operations are occurring within 0.25 mile of the Red Springs or Cedar Ridge Wilderness Study Areas, Noble will provide an independent project monitor to inform project personnel of Wilderness Study Area boundaries and ensure that effects do not occur. If infringement upon the Wilderness Study Areas occurs, the monitor will immediately contact the BLM project lead with a description of the occurrence and report to the BLM Authorized Officer concerning the status and activities of the project and compliance with these measures

Rationale

This decision will enable environmentally sound exploration of federal oil/gas resources and prevent damage to other natural resources.

The Project is in conformance with the Elko Resource Management Plan (RMP), as approved March 11, 1987, and the December 2005 Oil & Gas Lease Sale Environmental Assessment, which amended the RMP. The Record of Decision (ROD) for the Elko RMP, page 35, provides, “Maintain public lands open for exploration, development, and production of mineral resources while mitigating conflicts with wildlife, wild horses, recreation and wilderness resources.” The Project is also consistent with other applicable federal, state and local land use policies and plans.

The proposed action with attached stipulations has been designed to incorporate features to prevent undue environmental degradation or harm by avoiding cultural resources, wildlife habitat and wilderness study areas. This decision includes all practical measures to conserve and protect resources in the interest of the public.

The Consultation and Coordination section of the EA describes the scoping and coordination with applicant and the Nevada Department of Wildlife (NDOW), Bureau of Indian Affairs Eastern Nevada Agency, Western Shoshone Committee, Western Shoshone Defense Project, Western Shoshone Descendants of Big Smoky. NDOW provided input into the biological section of the Environmental Assessment which was prepared for this project. BLM also informally consulted with Battle Mountain Band Council, Confederate Tribes of the Goshute Indian Reservation, Duckwater-Shoshone Tribe, Elko Band Council, Ely Shoshone Tribe, Shoshone-Paiute Tribes of the Duck Valley Indian Reservation, South Fork Band Council, Te-Moak Tribe of Western Shoshone, Wells Band Council, Yomba-Shoshone Tribe.

Appeals

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3150 may appeal that decision to the Interior Board of Land Appeals as set forth in part 4 of this title. All decisions and approvals of the authorized officer under this part shall remain effective pending appeal unless the Interior Board of Land Appeals determines otherwise upon consideration of the standards stated in this paragraph.

If you wish to file a petition for stay pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

/s/

9-13-2013

Richard E Adams,
Field Manager
Tuscarora Field Office

Date